

Atty. Dkt. No. 029815-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sweeney, Patrick J.
Title: VERTEBRAL PROSTHESIS
Appl. No.: 10/686,998
Filing Date: 10/16/2003
Examiner:
Art Unit:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>Beverly Hopkins (Printed Name)</p> <p><i>Beverly Hopkins</i> (Signature)</p> <p>January 21, 2004 (Date of Deposit)</p>
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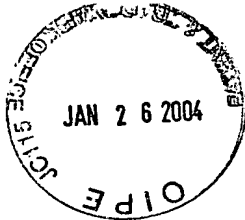
INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*



The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

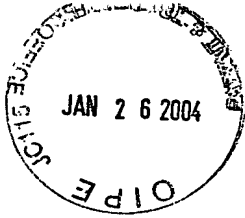
TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.



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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 1/21/04

By 

FOLEY & LARDNER

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Jeffrey S. Gundersen

Attorney for Applicant

Registration No. 47,619

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: January 21, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/686,998
				Filing Dat	10/16/2003
				First Named Inventor	Patrick J. Sweeney
				Group Art Unit	
				Examiner Name	
				Attorney Docket Number	029815-0103
Sheet	1	of	2		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	6,524,341	B2	Lang et al.	02/25/2003	
	A2	6,520,993	B2	James et al.	02/18/2003	
	A3	2002/0169508	A1	Songer et al.	11/14/2002	
	A4	2002/0161441	A1	Lang et al.	10/31/2002	
	A5	2002/0115944	A1	Mendes et al.	08/22/2002	/
	A6	2002/0107572	A1	Foley et al.	08/08/2002	
	A7	6,413,278	B1	Marchosky	07/02/2002	
	A8	6,395,030	B1	Songer et al.	05/28/2002	
	A9	6,375,682	B1	Fleischmann et al.	04/23/2002	
	A10	6,375,681	B1	Truscott	04/23/2002	
	A11	6,344,057	B1	Rabbe et al.	02/05/2002	
	A12	2001/0032020	A1	Besselink	10/18/2001	
	A13	6,176,881	B1	Schar et al.	01/23/2001	
	A14	6,149,686		Kuslich et al.	11/21/2000	
	A15	6,086,613		Camino et al.	07/11/2000	
	A16	6,066,174		Farris	05/23/2000	
	A17	6,038,281		Mazess	03/14/2000	
	A18	6,015,436		Schonhoffer	01/18/2000	
	A19	5,895,428		Berry	04/20/1999	
	A20	5,895,427		Kuslich et al.	04/20/1999	
	A21	5,782,830		Farris	07/21/1998	
	A22	5,776,199		Michelson	07/07/1998	
	A23	5,776,198		Rabbe et al.	07/07/1998	
	A24	5,776,197		Rabbe et al.	07/07/1998	
	A25	5,702,453		Rabbe et al.	12/30/1997	
	A26	5,571,190		Ulrich et al.	11/05/1996	
	A27	5,533,084		Mazess	07/02/1996	
	A28	5,474,551		Finn et al.	12/12/1995	
	A29	5,458,638		Kuslich et al.	10/17/1995	
	A30	5,306,310		Siebels	04/26/1994	
	A31	5,171,278		Pisharodi	12/15/1992	
	A32	5,123,926		Pisharodi	06/23/1992	
	A33	4,932,975		Main et al.	06/12/1990	
	A34	4,863,477		Monson	09/05/1989	
	A35	4,496,090		Crevier et al.	01/29/1985	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

JAN 26 2004

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO

Complete if Known

Application Number	10/686,998
Filing Date	10/16/2003
First Named Inventor	Patrick J. Sweeney
Group Art Unit	
Examiner Name	
Attorney Docket Number	029815-0103

Sheet	2	of	2
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[illegible]

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Date
Considered

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

Practitioner's Docket No. 12168

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anand Huprikar

Application No.: 10/624,055 Group No.: Not Assigned

Filed: July 21, 2003 Examiner: Not Assigned

For: TWO STAGE ISOLATION MOUNT ASSEMBLY

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

STATUS INQUIRY

WARNING: Submission of a status letter after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. More than 6 months have passed since☒ NEW APPLICATIONSthe filing of this application on July 21, 2003.

No communication has been received from the Patent and Trademark Office indicating action on this application. (NO FILING RECEIPT HAS BEEN RECEIVED.)

☐ AMENDED APPLICATIONS

the filing of a response on _____.

No further communication has been received from the Patent and Trademark Office.

☐ APPEALED APPLICATION

The Appeal Brief was filed on _____.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: 1/23/04Lori D. Hass

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(check and complete applicable items below)

- ☐ An Examiner's Answer was mailed on _____.
- ☐ A Reply to the Examiner's Answer was submitted on _____.
- ☐ ALLOWED APPLICATIONS
- the mailing of FORM POL-327 and/or Examiner's Amendment on _____.

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return-addressed envelope is provided.

NOTE: M.P.E.P. § 203.08 Status Inquiries, 8th Edition, cautions as to the submission of status inquiries as follows:

"NEW APPLICATION

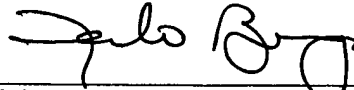
"Current examining procedures now provide for the routine mailing from the Technology Centers (TCs) of Form PTOL-37 in every case of allowance of an application. Thus, the mailing of a form PTOL-37 in addition to a formal Notice of Allowance (PTOL-85) in all allowed applications would seem to obviate the need for status inquiries even as a precautionary measure where the applicant may believe his or her new application may have been passed to issue on the first examination. However, as an exception, a status inquiry would be appropriate where a Notice of Allowance is not received within three months from receipt of form PTOL-37.

"Current examining procedures also aim to minimize the spread in dates among the various examiner dockets of each art unit and TC with respect to actions on new applications. Accordingly, the dates of the "oldest new applications" appearing in the Official Gazette are fairly reliable guides as to the expected time frames of when the examiners reach the applications or action.

"Therefore, it should be rarely necessary to query the status of a new application.

"AMENDED APPLICATIONS

"Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office. A postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113."



SIGNATURE OF PRACTITIONER

Reg. No.: 34,780

Fernando A. Borrego

(type or print name of practitioner)

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Customer No.: 28484

Wyandotte, MI 48192

(Status Inquiry [9-3]—page 2 of 3)

STATUS INQUIRY REPLYAPPLICATION SERIAL NO. 0 / 10/624,055 IS CURRENTLY

- ☐ ASSIGNED TO GROUP _____ AND AWAITS:
- ☐ ACTION BY THE EXAMINER.
- ☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

APPEAL NO. _____

- ☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES
- ☐ DATE OF HEARING EXPECTED _____.
- ☐ DECISION EXPECTED _____.